

REMARKS

On behalf of the Applicant, the undersigned would like to thank the Examiner for the courtesies extended in the telephonic interview of August 23, 2007. As discussed during the interview, and for the following reasons, it is believed that the application is in condition for allowance.

By way of this Amendment, Applicant has added new claim 19 which corresponds to pending claims 1+2+3+4. Thus, the scope of new claim 19 is identical to the scope of previous pending claim 4. In addition, claim 4 has been amended to include the limitation of claim 5 such that it still differs in scope from new claim 19. Since claim 5 depended from claim 4, the scope of claim 4 is now identical to the scope of previous pending claim 5. Accordingly, this Amendment should be entered (**as the Amendment does not raise any new issues since the scope of all claims has remained unchanged**) and the following remarks carefully considered.

Turning to new claim 19, claim 19 recites a number of important features which clearly distinguish it over the Brechel et al. reference applied by the Examiner in the outstanding Office Action. First, claim 19 recites that the casing is mounted on the structure of the capping head with the interposition of roller bearings and has its end mouth made in an end wall that is elastically compliant with the casing. More importantly, claim 19 specifically recites the structure of the connection means as including a valve means set between the casing and the capping head. The valve means, as recited in claim 19, includes a valve body which is coaxial to the casing and rigidly connected thereto and is mounted so as to be axially slidable with respect to the valve element and the valve element is mounted with interposition of the roller bearings on the structure of the capping head.

Thus, according to the invention, as recited in claim 19, the connecting means controls fluid communication between the closed chamber and the vacuum source in direct dependence on the relative axial position of the casing with respect to the capping head as a result of the interposition of the valve element between the capping head and the casing. In contrast, in Brechel, the means for generating a vacuum inside supply line 49 is controlled electronically via a control unit 10. There is absolutely no teaching or suggestion of a valve element as recited in the claims which is interposed between the capping head and the casing so that it opens and closes depending on the relative position of the capping head with respect to the casing.

In view of the foregoing, it is respectfully submitted that independent claim 19 patentably distinguishes over this reference. Thus, it is duly requested that claim 19 be allowed.

With respect to independent claim 1, Applicant maintains that claim 1 is allowable in its present form because of the recitation that the connecting means is configured to control fluid communication between the closed chamber and the source of vacuum in direct dependence on the relative axial position of the casing with respect to the capping head. This feature is simply not taught or suggested in Brechel. The Examiner comments that “the claimed ‘means for connecting’ as disclosed in claim 1, is not in title of the 112 6th. as claim 3 intend to describe such means” is not understood. The fact that claim 3 further defines the structure of the connecting means has no relevance on the issue of whether the connecting means limitation should be construed under 112, 6th paragraph. If the Examiner is not giving patentable weight to this limitation, he is legally incorrect. Accordingly, reconsideration of this limitation, and the fact that the prior art clearly does not teach or suggest it, is respectfully requested.

Finally, dependent claim 4 is likewise patentable over the prior art for the reasons discussed above in regard to claim 19. It is noted that claim 4 includes all of the limitations of claim 19 plus the additional limitation of claim 5.

In view of the foregoing, allowance of the subject application is requested. If the Examiner feels differently, he is requested to contact the undersigned at the exchange listed below.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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